



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,436	09/23/1999	PEKKA MIELONEN	1912	9477

7812 7590 03/26/2003

SMITH-HILL AND BEDELL
12670 N W BARNES ROAD
SUITE 104
PORTLAND, OR 97229

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
----------	--------------

3676

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/405,436

Applicant(s)

MIELONEN ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- Th MAILING DATE of this communication appears on the cover sheet with th correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-20, 22-27, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 12, 14-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 April 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

In response to the REPLY filed on February 28, 2003, the previous restriction requirement is withdrawn, and all claims will be examined on their merits. This action is a non-Final rejection.

Claims 12,14 and 16 are objected to because of the following informalities: In the penultimate line of claim 12, it appears that an additional occurrence of "at" should be inserted at the end of the line. In claim 14, line 6, it is not clear if "preferably" further limits the claim. In claim 16, lines 3-4, "or the like" is not clear. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 14, 15, 17-20 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramo et al (405).

It is first noted that the lock itself is not positively claimed, and the key/blank of Ramo et al is capable of use with a locking disc lock. As seen in fig. 5, Ramo et al teaches a key, which initially is also a blank, which is regarded as being "substantially rectangular", both before corners are rounded, and also after the edges 28 are rounded (see page 5, line 36). A single or multiple bevel surfaces 27 are also provided, which may be regarded as forming a key, or as being a blank, after which additional cuts 27 may be formed ("to be cut", page 4, line 66). The plural cuts 27 define differing angles

Art Unit: 3676

of cut, as well as lengths of cut. With respect to claim 19, the intended use is of no patentable significance, and the key of Ramo is capable of being formed to perform such a function. The additional details of the dependent claims are also regarded as being taught by Ramo et al.

Claims 12, 14-16, 19, 20 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by the Canadian reference (680).

Figures 12 and 13 of the Canadian reference teach all of the claimed details of a blank or a key, including a "substantially rectangular" shank with combination bevel surfaces 126, 133 and an axially facing step surface between cut surfaces 126, 133 in fig. 12. It is also noted that the lock is not being positively claimed, and the intended use therewith is of no patentable significance.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramo et al (405) in view of Roberts et al (638).

As seen in fig. 8, Roberts et al teaches axially facing steps between adjacent cut surfaces 27a. To modify the key of Ramo to include at least one step between adjacent cuts, would have been obvious in view of the teaching of Roberts et al, since such

Art Unit: 3676

would be inherent when forming adjacent cuts with differing angles with respect to the central plane of the key.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramo et al (405) in view of Martikainen (172).

As seen in fig. 30, the key of Martikainen teaches cuts/surfaces at four corners of the key. To modify the key of Ramo et al to include combination surfaces at four corners, would have been obvious in view of the teaching of Martikainen, the motivation being to render key duplication more difficult, and to optimize the security of the lock.

Claims 1-11, 30 and 31 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

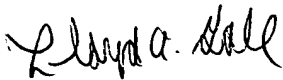
Application/Control Number: 09/405,436

Page 5

Art Unit: 3676

LG LG

March 21, 2003


Lloyd A. Gall
Primary Examiner